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*Attorneys for Defendant/Counterclaim Plaintiff
Novel Laboratories*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BRAINTREE LABORATORIES, INC.,

Plaintiff/
Counterclaim-Defendant,

v.

NOVEL LABORATORIES, INC.,

Defendant/
Counterclaim-Plaintiff.

Civil Action No. 3:11-cv-01341 (PGS)

ORAL ARGUMENT REQUESTED

Motion Date: Nov. 5, 2012

**NOTICE OF MOTION
FOR SUMMARY JUDGMENT NO. 1:
NON-INFRINGEMENT
BASED ON CLINICALLY
SIGNIFICANT ELECTROLYTE
SHIFTS**

To: All Counsel of Record

PLEASE TAKE NOTICE that Defendant Novel Laboratories, Inc.
("Novel") hereby moves this Court on November 5, 2012, for summary

judgment of non-infringement based on clinically significant electrolyte shifts.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Novel shall rely upon its concurrently-filed memorandum of points and authorities, the concurrently-filed statement of material facts not in genuine dispute pursuant to L. Civ. R. 56.1, the concurrently-filed declaration of Novel expert witness, Dr. David S. Goldfarb, and the concurrently-filed declaration of Matthew B. McFarlane with exhibits attached thereto.

Also enclosed herewith for the Court's consideration is a proposed Order.

October 3, 2012
New York, New York

Respectfully submitted,

/s/ Hillel I. Parness

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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2012, I caused the foregoing
**NOTICE OF MOTION FOR SUMMARY JUDGMENT NO. 1: NON-
INFRINGEMENT BASED ON CLINICALLY SIGNIFICANT
ELECTROLYTE SHIFTS**, together with supporting papers, to be served by
ECF and e-mail upon the following counsel of record:

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/s/ Hillel I. Parness